

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	: Confirmation No. 5635
Amir Said	: : :
Serial No. 09/912,278	: Examiner: Colin M. Larose
Filed: July 24, 2001	: Group Art Unit: 2623
	: :

For: **IMAGE BLOCK CLASSIFICATION BASED ON ENTROPY OF DIFFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO SECOND NOTIFICATION
OF NON-COMPLIANT APPEAL BRIEF**

A second notification of non-compliant appeal brief was mailed on November 20, 2006. The second notification indicates that the above-captioned appeal brief is non-compliant because it does not contain an evidence appendix and a related proceedings appendix.¹

In response, a replacement appeal brief is attached. The replacement appeal brief contains evidence appendix and related proceedings appendices.

¹ The first notification of non-compliant appeal brief dated 7/25/2005 also indicated that the appeal brief did not contain evidence appendix and a related proceedings appendix. The assignee submitted these two appendices via facsimile on 8-3-2005, but the USPTO lost it, so the application went abandoned. On 6/21/2006 the assignee submitted a petition to withdraw the holding of abandonment. The petition, which included the appendices, was granted. But now, once again, the USPTO says the appeal brief is missing the appendices.

The second notification also indicates that the appeal brief is non-compliant because "independent claims 2, 12, 25 and 28 are not the independent claims stated in the section. These independent claims are not identified explicitly and are not mapped to the specification by page and line number, paragraph number, or to the drawings, if any."

The undersigned does not understand the holding with respect to claim 2. Applicant's attorney Hugh Gortler called Patent Appeal Center Specialist Leneetha Dyar for clarification about claim 2. Unfortunately, Ms. Dyar did not return the call.

Here is claim 2 in the appeal brief filed April 25, 2005, which has been made of record (according to PAIRS):

2. (Previously presented) A method of detecting an edge in a digital image block, the method comprising creating a histogram of pixel luminance differences in the block; and computing entropy of the histogram.

And here is the corresponding description in Section 5 of the appeal brief. Portions of section 5 have been underlined to show correspondence with claim 2.

Claim 2 recites a method of detecting an edge in a digital image block. The method comprises creating a histogram of pixel luminance differences in the block (Figure 1, block 110; paragraph 17). Exemplary histograms are illustrated in Figures 2a-2d and described in paragraphs 18-19. The histograms of Figures 2a-2d indicate the number of occurrences (frequencies) at which pixel differences occur in a block. An example of computing a histogram for a 4x4 block is provided in paragraph 20, lines 1—10, and the corresponding histogram is illustrated in Figure 3.

The method of claim 2 further comprises computing entropy of the histogram (Figure 1, block 112; paragraph 19). An example of

computing the entropy of the histogram of Figure 3 is provided in paragraph 20, lines 10—12.

Clearly, claim 2 is the independent claims stated in Section 5, since the claim in Appendix A corresponds word-for-word with claim 2 in Section 5. Moreover, the features of claim 2 are identified explicitly and mapped to the specification by paragraph number and to the drawings.

The first notification of non-compliance did not hold that claim 2 was non-compliant, nor did the examiner in his Answer. If the holding results from a new requirement by the USPTO, and if the Specialist maintains that claim 2 is still non-compliant, the Specialist is respectfully requested to cite the source of the new requirement.

Claim 28 is identified explicitly in section 5. However, section 5 has been amended to map claim 28 to the specification by paragraph number and to the drawings.

Claim 12 recites an apparatus including a processor, and claim 25 recites an article including memory. Section 5 explicitly identifies these claims, and it maps the processor 314 and article 312 to the specification (paragraph 29) and drawings (Figure 5). However, Section 5 does not map how the article and apparatus create a histogram of pixel luminance differences in the block, and compute entropy of the histogram. Section 5 has been amended to include the mapping.

The cover page, table of contents, and signature block (on page 10) have been updated due to the revisions to Section 5.

If the Specialist still maintains that the appeal brief is non-compliant, she is respectfully requested to contact applicant's attorney Hugh Gortler before issuing another action.

Respectfully submitted,

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